

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Court of International Trade

Vol. 15

SEPTEMBER 30, 1981

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NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price: \$2.25 (single copy domestic); \$2.85 (single copy foreign). Subscription price: \$85.00 a year domestic; \$106.25 a year foreign.

U.S. Customs Service

Treasury Decisions

(T.D. 81-246)

BONDS

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: September 9, 1981.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
American Cargo Express Ltd., 4101 San Jacinto, Houston, TX; motor carrier; Old Republic Ins. Co.	June 26, 1981	July 1, 1981	Houston, TX \$25,000
American Freight Corp., 969 N. 2nd St., Philadelphia, PA; motor carrier; American Employers Ins. Co.	July 17, 1981	July 31, 1981	Philadelphia, PA \$25,000
Anderson Cartage Co., Inc., 4040 Holly St., Unit #10, Denver, CO; motor carrier; American States Ins. Co.	June 8, 1981	July 30, 1981	Chicago, Ill \$25,000
Athens Transportation System, Inc., 755 N. Capital Ave., San Jose, CA; motor carrier; Washington International Ins. Co. (PB 1/25/79) D 8/3/81 ¹	Mar. 4, 1981	Aug. 3, 1981	San Francisco, CA \$25,000
Atlantis Transportation Services Ltd., 900 Stevenson Rd., North, Oshawa, Ontario, Canada; motor carrier Fireman's Fund Ins. Co.	July 6, 1981	July 15, 1981	Buffalo, NY \$25,000
Best Way Motor Freight, Inc., 1765-6th Ave., S., Seattle, WA; motor carrier; Safeco Ins. Co. of America (PB 11/27/73) D 1/2/81 ²	Dec. 12, 1980	Jan. 2, 1981	Seattle, WA \$25,000

See footnotes at end of table.

CUSTOMS

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Chessie Motor Express, Inc., 1060 Kings Hwy., N., Cherry Hill, N.; motor carrier; American Casualty Co. of Reading, PA	June 10, 1981	Aug. 10, 1981	Philadelphia, PA \$100,000
Keith Fulton & Sons, Inc., 21 Water St., Cambridge, MA; motor carrier; Peerless Ins. Co. D 8/3/81	July 27, 1976	Mar. 11, 1977	Boston, MA \$25,000
General Motor Lines, Inc., 1200 S. Conkling St., Baltimore, MD; motor carrier; Ins. Co. of North America	July 20, 1981	July 24, 1981	Baltimore, MD \$25,000
Great Southwest Warehouse, Inc., dba: Seattle Transfer & Storage, Seattle Tacoma International Airport, Seattle, WA; motor carrier; Gulf Ins. Co. (PB 6/20/75) D 7/17/81	May 7, 1981	July 16, 1981	Seattle, WA \$25,000
Roy Greenfield Trucking, Box 747, Weatherford, TX; motor carrier; Ins. Co. of North America (PB 12/31/79) D 7/28/81	July 10, 1981	July 28, 1981	Laredo, TX \$25,000
International Ex-Air Transport, Inc., 2210 Guadalupe, Laredo, TX; motor carrier; National Surety Corp.	Aug. 6, 1981	Aug. 7, 1981	Laredo, TX \$25,000
Kingsway Transports Ltd., 10525 Cote de Liesse, Montreal, P.Q., Canada, and Kingsway Transports Inc., 1105 N. Market St., Wilmington, DE; motor carrier; Travelers Indemnity Co. (PB 5/13/75) D 8/7/81	July 3, 1981	Aug. 7, 1981	Ogdensburg, NY \$50,000
Lyn Transport, Inc., 61 Lincoln Hwy., S. Kearny, NJ; motor carrier; Investors Ins. Co. of America (PB 7/16/76) D 7/12/81	July 7, 1981	July 12, 1981	Newark, NJ \$500,000
M & H Brokerage, Inc., A State of FL Corp., 3360 NW 72nd Ave., Miami, FL motor carrier; St. Paul Fire & Marine Ins. Co. (PB 3/18/81) D 7/17/81	July 10, 1981	July 17, 1981	Miami, FL \$25,000
M.T. Farms, 407 S. Main St., P.O. Box 279, Clinton, IN; motor carrier; The North River Ins. Co. (PB 9/26/73) D 7/31/81	June 25, 1981	July 31, 1981	Cleveland, OH \$50,000
Mayaguez Air Cargo Service, Inc., 1805 Loiza St., Santurce, PR; motor carrier; The Home Ins. Co. (PB 2/20/73) D 6/30/81	May 18, 1981	June 30, 1981	San Juan, PR \$25,000
Metro Express, Inc., 901 Arnold Ave., New Castle, DE; motor carrier; U.S. Fidelity & Guaranty Co. D 8/31/81	Sept. 17, 1975	Sept. 19, 1975	Philadelphia, PA \$50,000
North State Motor Lines, Inc., P.O. Box 4108, Rocky Mount, NC; motor carrier; The Travelers Indemnity Co. (PB 2/4/75) D 8/10/81	Aug. 1, 1981	Aug. 11, 1981	Wilmington, NC \$25,000
Ogden & Moffett Co., 1515 Busha Hwy, Marysville, MI; motor carrier; Continental Ins. Co. D 8/9/81	July 1, 1972	Nov. 6, 1972	Detroit, MI \$50,000

See footnotes at end of table.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Port Carriers, Inc., 1314 East Port Rd., Jacksonville, FL; motor carrier; St. Paul Fire & Marine Ins. Co. D 7/13/81	Nov. 21, 1979	Nov. 21, 1979	Tampa, FL \$25,000
Reddaway's Truck Line Inc., 1721 N.W. Northrup, Portland, OR; motor carrier; Fireman's Fund Ins. Co. (PB 10/1/80) D 7/20/81	July 16, 1981	July 20, 1981	Portland, OR \$25,000
Seattle Transfer & Storage	(See Great Southwest Warehouses, Inc.)		
Trojan Freightlines Ltd., 5200 Maingate Dr., Mississauga, Ontario, Canada, motor carrier; The Continental Ins. Co.	July 30, 1981	July 31, 1981	Buffalo, NY \$50,000
Western Maryland Railway Co., 100 N. Charles St., Baltimore, MD; rail carrier; American Casualty Co. of Reading, PA (PB 7/22/75) D 8/5/81 *	July 22, 1981	Aug. 5, 1981	Baltimore, MD \$100,000

* Principal is Athens Transportation Service.

† Surety is The Travelers Indemnity Co.

‡ Surety is Fidelity & Deposit Co. of MD.

§ Surety is Federal Ins. Co.

¶ Principal is Kingsway Transports Ltd., John N. Brocklesby Transport Ltd.; Surety is Continental Ins. Co.

• Surety is Peerless Ins. Co.

• Principal is Mayaguez Air Cargo Service; Surety is Ins. Co. of North America.

• Surety is Ins. Co. of North America.

• Surety is Federal Ins. Co.

BON-3-03

GEORGE C. STEUART,
(For Marilyn G. Morrison, Director,
Carriers, Drawback and Bonds Division.)

(T.D. 81-247)

Foreign Currencies—Daily Rates for Countries Not on Quarterly List

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Argentina peso:

August 31—September 4, 1981----- \$0.000194

Chile peso:		
August 31-September 4, 1981	-----	\$0. 025575
Colombia peso:		
August 31-September 4, 1981	-----	\$0. 017963
Greece drachma:		
August 31, 1981	-----	\$0. 016502
September 1, 1981	-----	. 016638
September 2, 1981	-----	. 016764
September 3, 1981	-----	. 016849
September 4, 1981	-----	. 016878
Indonesia rupiah:		
August 31-September 4, 1981	-----	\$0. 001582
Israel shekel:		
August 31, 1981	-----	\$0. 078064
September 1-2, 1981	-----	. 078431
September 3-4, 1981	-----	. 078678
Peru sol:		
August 31-September 4, 1981	-----	\$0. 002287
South Korea won:		
August 31-September 4, 1981	-----	\$0. 001454

(LIQ-03-01 O:C:E)
Dated: September 4, 1981.

KENNETH A. RICH,
Acting Chief,
Customs Information Exchange.

(T.D. 81-248)

Foreign Currencies—Variances From Quarterly Rate

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to Section 522(C), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), and reflect variances of 5 per centum or more from the quarterly rate published in Treasury Decision 81-183 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Brazil cruziero:		
August 31-September 4, 1981	-----	\$0. 009738

Hong Kong dollar:

August 31, 1981-----	\$0. 168634
September 1, 1981-----	. 167996
September 2, 1981-----	. 168294
September 3, 1981-----	. 168180
September 4, 1981-----	. 168237

Republic of So. Africa rand:

August 31, 1981-----	\$1. 0600
September 1, 1981-----	1. 0568
September 2, 1981-----	1. 0575
September 3, 1981-----	1. 0577
September 4, 1981-----	1. 0562

Thailand baht (tical):

August 31, 1981-September 4, 1981-----	\$0. 043384
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(LIQ-03-01 O:C:E)

Dated: September 4, 1981.

KENNETH A. RICH,
Acting Chief,
Customs Information Exchange.

(T.D. 81-249)

Discontinuation of Publication of Committee for the Implementation Textile Agreements (CITA) Directives That Have Already Been Published in the Federal Register

Currently the U.S. Customs Service initiates Treasury Decisions that repeat CITA directives that have already been published in the Federal Register.

The CITA directive is received by the U.S. Customs Service at about the same time that it is published in the Federal Register. By the time a covering Treasury Decision is written, printed, and distributed, the decision is untimely. Not only does this untimely distribution limit the value of the Treasury Decision to the public, but it repeats information already provided to the public.

To eliminate this redundancy, we propose to discontinue publishing CITA directives as Treasury Decisions effective November 1, 1981.

If you have any questions regarding this discontinuance, please contact Linda Mays at 202-566-8592.

RICHARD R. ROSETTIE,
Acting Director,
Duty Assessment Division.

QUO-2-CO:T:D:SO

Dated: September 15, 1981.

(T.D. 81-250)

Customs Delegation Order No. 63

Order of Commissioner of Customs establishing an order of succession of persons to act as Commissioner of Customs

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 FR 2875), it is hereby ordered that the following officers of the U.S. Customs Service in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs.
2. The Assistant Commissioner (Border Operations).
3. The Assistant Commissioner (Commercial Operations).
4. Comptroller.
5. The Assistant Commissioner (Management Integrity).

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 FR 7241), there is hereby delegated to the Regional Commissioners of Customs, District Directors of Customs, and Port Directors of Customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 62, dated January 6, 1981 (T.D. 81-8; 46 FR 2765).

Dated: September 15, 1981.

WILLIAM VON RAAB,
Commissioners of Customs.

[Published in the Federal Register, September 21, 1981 (46 FR 46738)]

U.S. Customs Service

Proposed Rulemaking

(19 CFR Part 148)

Personal Declarations and Exemptions

Proposed Amendments to the Customs Regulations Relating to Registration of Foreign-made Tourist Articles To Be Taken Abroad

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to reflect Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be limited to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Standardized registration procedures are necessary because there have been great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register.

DATE: Comments must be received on or before (60 days after publication in the Federal Register).

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control and Disclosure Law Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

SUPPLEMENTARY INFORMATION:

BACKGROUND

All merchandise of foreign origin imported into the United States is subject to a customs duty unless it has been specifically exempted

from this duty. Under section 148.1(a), Customs Regulations (19 CFR 148.1(a)), any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take valuable effects of foreign origin abroad may register those articles before departure from the United States. The purpose of this provision is to facilitate identification of the articles upon their return to the United States so that the traveler would not have to pay duty on articles that were already subject to duty payment when originally imported.

Under section 148.1(b), before leaving the United States, the person could present valuable effects of foreign origin to a Customs officer together with a properly executed Customs Form 4457, "Certificate of Registration For Personal Effects Taken Abroad." The Customs officer would examine the articles, verify their description on the form, and sign the form. The form would be returned to the person for presentation to Customs at the port of entry upon return of the articles. A Customs Form 4455, "Certificate of Registration," could be required in any case in which a Customs Form 4457 would not adequately serve the purpose of registration.

It was Customs policy to permit the registration of any foreign-made article considered by the traveler to be "valuable." In practice, this led to great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register. For example, at many ports, travelers were limited to registering foreign-made articles which had a serial number or other unique permanent marking. At other locations, there was no such limitation and a traveler could register a coat or a piece of jewelry and merely provide a description of the article. As a result, a Customs officer at a port where strict registration limitations were enforced had to attempt to clear travelers whose registration certificates were secured at a port with more liberal registration standards. Without a serial number or other unique permanent marking, it was often very difficult for the Customs officer at the port of entry to determine whether the article returned to the United States was the same article that previously was registered. Also, liberal registration procedures at some locations encouraged fraud. Travelers could intentionally import articles similar to those they had previously registered in an attempt to avoid the payment of duty.

The liberal registration procedures also led to occasional difficulties for travelers. Some travelers found that they were unable to register certain articles at one Customs port after previously having registered similar articles at a different port. Also, travelers who registered a non-serially-numbered article may believe erroneously that the registration process automatically precluded any doubt on the part of Customs

that the article being returned from abroad was the article previously registered. Such situations have led to misunderstandings in some instances.

To resolve these difficulties, Customs prepared new guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by travelers. Customs officers were advised by internal directives to register only those foreign-made articles having serial numbers or other unique, permanently affixed markings. Customs believes it appropriate to amend the Customs Regulations to conform the regulations to the new registration standards.

This document proposes to amend section 148.1(a), Customs Regulations (19 CFR 148.1(a)), to reflect the Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be restricted to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Also, the word "valuable" would be deleted from the section heading and paragraphs (a) and (b) of section 148.1, because Customs believes the term is too vague.

By separate publication, Customs intends to publicize the alternatives to registration that may be helpful to travelers taking foreign-made articles abroad. These alternatives include travelers carrying with them copies of bills of sale, insurance papers, jewelry appraisals, repair receipts, etc., that may be helpful to identify the articles upon their return. Currently, this information is found on page 11 of the Customs booklet "Know Before You Go," available from any Customs office.

AUTHORITY

These amendments are proposed under the authority of R.S. 251 as amended (19 U.S.C. 66); sections 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 1484, 1498, 1624).

COMMENTS

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control and Disclosure Law Division, Room 2426, Headquarters,

U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

EXECUTIVE ORDER 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of EO 12291. Accordingly, no regulatory impact analysis has been prepared.

APPLICABILITY OF THE REGULATORY FLEXIBILITY ACT

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The proposed rule is a voluntary procedure, and is directed to tourists traveling abroad rather than a "small entity" as defined in section 601 of Title 5, United States Code (as added by section 3 of the Act). Therefore, the regulation will not significantly affect a substantial number of small entities, and is not expected to generate significant interest or attention from small entities through comments, either formal or informal, on the rule. Furthermore, the rule is not expected to have a significant secondary or incidental impact, or to impose, or to otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on tourists.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations Control and Disclosure Law Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

PROPOSED AMENDMENTS

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

It is proposed to revise section 148.1 of Subpart A, Part 148, Customs Regulations (19 CFR 148.1) to read as follows:

SUBPART A—GENERAL PROVISIONS

148.1 Registration of effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a non-resident seaman, airman, or person engaged in similar employment,

who intends to take effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to the United States. Only articles of foreign origin having serial numbers or other distinctive, permanently affixed unique markings can be registered.

(b) *Procedure for registration.* Applicants for registration of articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

WILLIAM T. ARCHY,
Acting Commissioner of Customs.

Approved: September 1, 1981.

JOHN P. SIMPSON,
Acting Assistant Secretary of the Treasury.

[Published in the Federal Register, September 2, 1981 (46 FR 46894)]

U.S. Customs Service

(TMK-2-CO:R:E:E)

Notice of Application for Recordation of Trade Name "BULGARI"

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "BULGARI" or printed with a Roman *u* *i.e.*, "BULGARI," used by Ditta Sotirio Bulgari di Constantino e Giorgio Bulgari S.A.S., a partnership organized under the laws of Italy, located at 10 Via dei Condotti, Rome, Italy.

The application states that the trade name is used in connection with a wide variety of fine watches, jewelry, ornamental works and artwork made of precious metal and precious or semi-precious stones and various other items made of precious metals, manufactured in Italy. The application states further that Bulgari Distribuzione S.P.A., 6 Via Gregoriana, Rome, Italy and Bulgari S.P.A., 10 Via Dei Condotti, Rome, Italy are authorized to use the trade name. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person, in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received no later than 30 days from the date of publication of this notice in the Federal Register.

Notice of the action taken on the application or recordation of this trade name will be published in the Federal Register.

Dated: September 15, 1981.

A. PIAZZA,

Acting Director,

Entry Procedures and Penalties Division.

[Published in the Federal Register, September 18, 1981 (46 FR 46461)]

United States Court of International Trade

One Federal Plaza
New York, N.Y. 10007

Chief Judge
Edward D. Re

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Nils A. Boe

Senior Judge
Samuel M. Rosenstein

Clerk
Joseph E. Lombardi

Decisions of the United States Court of International Trade

Abstracts *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, September 8, 1981.

The following abstracts of decisions of the U.S. Court of International Trade at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to Customs officials in easily locating cases and tracing important facts.

WILLIAM VON RAAB,
Commissioner of Customs.

Decisions of the United States Court of International Trade

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, March 30, 1981.

The following abstracts of decisions of the United States Court of International Trade at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

WILLIAM T. ARCHHEY,
Acting Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
PAI/151	Ford, J., September 3, 1981	RMS Electronic Inc.	78-d-00975, et al.	Item 682.05 12.5% (Items marked "A" and "B")	Item 682.07 0% (Items marked "A") Item 685.30 5% (Items marked "A" and "B")	RMS Electronics, Inc. v. U.S. (C.D. 4818, et al.) C.A.D. 1240 (Items marked "A" and "B")	New York Baluns, Impedance matching couplers, matching transformers, model Nos. CA-6000, MA-750,

F81/152	Newman, J. September 3, 1981	A. N. Deringer, Inc., a/c Uniroyal, Inc.	78-1-00185	Item 657.20 9.5%	marked "B", model CA-200F	Item 772.45 4%	Uniroyal, Inc., c/o A. N. Deringer, Inc. v. U.S. (Abs. F80/69)	Champlain-Rouss Point (Ogdensburg) Rubber hose, pipe or tubing in various lengths with attached fittings
F81/153	Boe, J. September 3, 1981	Mostek Corporation	78-9-01417	Item 720.75 22.5%	Item 687.40 6%	Item 687.40 6%	U.S. v. Texas Instruments Incorporated (C.A.D. 1244)	Dallas MOS integrated circuits

Decisions of the United States Court of International Trade

Abstracts

Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R81/228	Wilson, J. September 8, 1981	Gelgy Chemical Corporation	R60/24854	United States value	U.S. selling price, less 1% cash discount as determined by cus- toms officer at time of appraisal; less 28.3% representing profit and general ex- penses usually made in U.S. on sales of dye- stuffs of same class or kind; less costs of transportation and in- surance from place of shipment to place of delivery in amounts determined by cus- toms officer at time of appraisal; divid-	U.S. v. Gelgy Chemical Corporation et al. (C.A.D. 1165)	New York Benzeneoid dyestuffs

R81/324	Newman, J. September 3, 1981	Mitsubishi Interna- tional Corpora- tion	72-11-02003, etc.	American selling price	Appraised values 23%, per pair	Agreed less facts	Agreed statement of facts	Savannah Footwear
R81/325	Newman, J. September 3, 1981	Mitsubishi Interna- tional Corpora- tion	74-4-01097, etc.	American selling price	Appraised values 23%, per pair	Agreed less facts	Agreed statement of facts	Boston Footwear
R81/326	Boe, J. September 3, 1981	Samuel Brilliant Company	76-4-01179	American selling price	Appraised values 20%, per pair	Agreed less facts	Agreed statement of facts	Boston Footwear
R81/327	Boe, J. September 3, 1981	Samuel Brilliant Company	76-4-01825	American selling price	Appraised values 20%, per pair	Agreed less facts	Agreed statement of facts	Boston Footwear

International Trade Commission Notices

Investigations by the U.S. International Trade Commission

DEPARTMENT OF THE TREASURY, September 17, 1981

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs officers and others concerned.

WILLIAM VON RAAB,
Commissioner of Customs.

In the Matter of
CERTAIN WHEEL LOCKS AND COM-
PONENTS THEREOF

Investigation No. 337-TA-102

Notice of Settlement Agreement and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on proposed termination of investigation on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has recommended that the Commission grant a joint motion by the parties to terminate the investigation on the basis of a settlement agreement executed by the complainant and the respondents. Before taking final action on the proposed termination of the investigation, the Commission requests that interested members of the public submit written comments thereon.

DATES: Comments will be considered if received within thirty (30) days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On August 7, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (motion 102-4) to terminate this investigation pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure on the basis of a settlement agreement executed by the complainant and the respondents. On August 20, 1981, the presiding officer recommended that motion 102-4 be granted, and the proposed termination of this investigation based on the settlement agreement is now before the Commission.

The substantive provisions of the settlement agreement are summarized as follows:

1. The agreement is between complainant McGard, Inc., respondents Kyo-Ei Industrial Corp., Mackin Industries, Superior Industries International, Inc., and Custom Plating Corp., and Kyo-Ei America Corp., a non-party to the investigation.
2. Complainant McGard, Inc. is the owner of all rights in U.S. Letters Patent No. 3,241,408, and all parties agree that the patent is valid.
3. Respondents and Kyo-Ei America Corp. agree that they will cease importing wheel locks of a design alleged to infringe the patent after November 15, 1981, and that they will not import or cause to be imported any wheel lock until after March 22, 1983, the date of expiration of the patent, except as provided in the agreement.
4. Between June 25, 1981, and November 15, 1981, respondents and Kyo-Ei America Corp. may sell their existing inventories of the allegedly infringing wheel locks and may import 97,510 additional sets of those wheel locks. Replacement keys for allegedly infringing wheel locks that have already been imported may be imported as necessary.
5. The parties agree that wheel locks conforming to specific new designs submitted by the respondents and Kyo-Ei America Corp. would not infringe the claims of the patent and that Kyo-Ei Industrial Corp. may manufacture, and that the other respondents and Kyo-Ei America Corp. may import, distribute and sell, wheel locks conforming to those designs.
6. For the duration of the agreement, Kyo Ei Industrial Corp. may submit drawings for different or additional wheel lock designs to McGard for approval, and such approval shall not be unreasonably withheld. If the parties cannot agree to such different or additional designs, either party may petition the Commission to reopen the investigation. The successful party to any Commission

investigation, suit at law, or other proceeding to resolve such a dispute shall be entitled to recover its attorneys fees and costs.

7. All wheel locks manufactured in Japan and imported, distributed or sold in the United States by respondents and Kyo Ei America Corp. will be clearly and conspicuously labeled as having been manufactured in Japan.

8. The parties agree that prior to March 22, 1983, the expiration date of the patent, any party may move to reopen the Commission investigation on the basis of an alleged breach of the agreement.

9. Respondents and Kyo-Ei America Corp., by signing the agreement, do not admit violation of section 337 of the Tariff Act of 1930 or any other statute or regulation.

The complete text of the settlement agreement, except for confidential business information contained therein, is available for public inspection during normal business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

All comments should conform to rule 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8) and should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436.

By order of the Commission.

Issued: September 9, 1981.

KENNETH R. MASON,
Secretary.

In the Matter of
CERTAIN STEEL ROD TREATING
APPARATUS AND COMPONENTS
THEREOF

Investigation No. 337-TA-97

Commission Hearing of the Presiding Officer's Recommendation and on Relief, Bonding, and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of a public hearing and written submissions in investigation No. 337-TA-97, Certain Steel Rod Treating Apparatus and Components Thereof.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the

Tariff Act of 1930, 19 U.S.C. § 1337, in the unauthorized importation into the United States and sale of a certain steel rod treating apparatus that is the subject of the Commission's investigation. Accordingly the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202-523-0161.

COMMISSION HEARING: The Commission will hold a public hearing on October 14, 1981, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

ORAL ARGUMENTS: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, the Commission investigative attorney, and Government agencies. Any rebuttals will be held in this order: respondents, complainant, the Commission investigative attorney, and Government agencies. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

ORAL PRESENTATIONS ON RELIEF, BONDING, AND THE PUBLIC INTEREST: Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public

may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard from the parties and government agencies in the same order as oral arguments on the recommended determination, followed by public interest groups and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

TIME LIMIT FOR ORAL ARGUMENT AND ORAL PRESENTATIONS: Parties and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making only oral presentations on remedy, bonding, and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

WRITTEN SUBMISSIONS: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, bonding, and the public interest. Written submissions on the question of violation must be filed not later than the close of business on September 22, 1981; written submissions on the questions of remedy, bonding, and public interest must be filed not later than the close of business on September 29, 1981. During the hearing, the parties may be asked to file posthearing briefs.

Written Submissions on Motion No. 97-54, Complainant's Motion for an Accelerated Hearing Schedule and Decision Prior to the End of October 1981

In adopting the schedule set forth above, the Commission has considered Complainant's Motion for an Accelerated Hearing Schedule and Decision Prior to October 1981 (Motion No. 97-54), Respondents' Response in Opposition Thereto, and the Commission investigative attorney's submission.

Motion No. 97-54 will be held in abeyance pending a future submission from the complainant. In the event that Complainant wishes to supplement Motion No. 97-54, the Commission requests a discussion of the following:

(1) Whether there is information showing a sufficient factual likelihood that the subject apparatus or any components thereof will be imported prior to December 1981?

(2) Whether there is any other remedial measure available, including the Commission's power to issue a temporary exclusion order pursuant to section 337(e) of the Tariff Act of 1930, 19 U.S.C. § 1337(e) or a cease and desist order pursuant to section 337(f) of the Tariff Act of 1930, 19 U.S.C. 1337(f)?

NOTICE OF APPEARANCE: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by September 22, 1981.

ADDITIONAL INFORMATION: The original copy and 11 true copies of all briefs on violation must be filed with the Office of the

Secretary not later than September 22, 1981; the original copy and 11 true copies of all briefs on remedy, bonding and public interest must be filed with the Office of the Secretary not later than September 29, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. All documents or arguments containing confidential information granted in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the Federal Register of January 28, 1981. 46 FR 9263.

FOR FURTHER INFORMATION CONTACT: Warren Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

By order of the Commission.

Issued: September 2, 1981.

KENNETH R. MASON,
Secretary.

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